S.B. Civil Second Appeal No.310 of 1997.
Samandar Singh Vs. R.S.R.T.C. & Another
Date of Order :: 06.10.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. B.L. Gupta, for plaintiff-appellant

Learned counsel for the plaintiff-appellant wants to withdraw this second appeal as well as suit itself, so as to initiate the legal remedy before the appropriate forum under the provisions of the Industrial Disputes Act, 1947, in view of the judgment of the Hon'ble Supreme Court in Rajasthan State Road Transport Corporation & Others Vs. Zakir Hussain, (2005 (7) S.C.C. 447).

The prayer of the plaintiff-appellant is allowed. The second appeal is dismissed as withdrawn. It will be open for the plaintiff-appellant to seek remedy under the provisions of the Industrial Disputes Act, 1947. In case the plaintiff-appellant approaches the appropriate forum under the provisions of the Industrial Disputes Act, 1947, then the matter of the plaintiff-appellant shall be considered in accordance with the provisions of law without being influenced by the judgments of both the Courts below.

The second appeal is accordingly dismissed as withdrawn with no order as to costs.

(Narendra Kumar Jain) J.